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October 31, 2001

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, SW
Room TW-A-325
Washington, DC 20554

Re: Review of Commission Consideration of Applications under the Cable Landing License Act (IB Docket No. 00-106)

Dear Ms. Salas:

On October 30, 2001, Kent Nakamura of Sprint Communications Company L.P., Joanna Lowry of Cable & Wireless USA, Inc., Kent Bressie representing TyCom Networks (US) Inc., Paul Kenefick of Alcatel Americas, Inc., Charlie Meyers representing Concert, and I met with Monica Desai of Commissioner Martin's office regarding the above-referenced proceeding. (BTNA and Teleglobe USA were not represented at the meeting, but endorse these positions.)

During the meeting the above-referenced companies noted the significant increases in the numbers and capacity of installed and planned submarine cables in recent years and corresponding declines in capacity prices. Specifically, the Commission's reported growth rates for submarine cable capacity of 185% for 1999 and 224% for 2000 are indicative of a strong, competitive industry with no artificial restraints on capacity.

The companies urged the Commission to adopt broad streamlining rules, based on the presumption that new submarine cable capacity be deemed pro-competitive. Opponents of broad streamlining should bear a heavy burden to show that streamlined approval of new capacity is not in the U.S. public interest. Furthermore, there is little support in the record for the highly regulatory approach outlined in the Notice of Proposed Rulemaking.

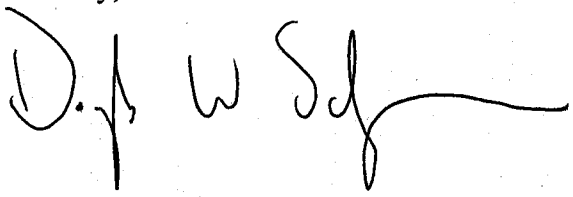
Broad streamlining of new applications for submarine cable capacity would allow new capacity to be brought online as quickly as possible, by providing more clarity, transparency, and simplicity into the licensing process, while providing for efficient use of Commission resources. Any reporting requirements should be limited to those necessary to monitor compliance with the "no special concessions" rule. AT&T and Concert stated that the provisioning and maintenance, circuit status, and capacity sale

reporting requirements contained in Sections 63.10(c)(4), (c)(5), and 63.21(h) are necessary to monitor such compliance for the same reasons that the requirements apply under Section 214 rules. Cable & Wireless USA, Sprint, Teleglobe and TyCom believe that reporting requirements are unnecessary as they are unduly burdensome, difficult to justify in public interest terms, and limited in their efficacy.

The attachment was used to discuss issues pending in this proceeding.

Two copies of this notice are being submitted to the Secretary of the FCC in accordance with Section 1.1206(b)(1) of the Commission's rules.

Sincerely,



cc: M. Desai
K. Bressie
P. Kenefick
J. Lowry
C. Meyers
K. Nakamura

NPRM 00-106
Submarine Cable Streamlining
General Principles

Alcatel, AT&T, BTNA, C&W USA, Concert, Sprint, Teleglobe USA, & TyCom

1) Commission action should be guided by the recognition of high growth rates of submarine cable capacity, a deregulatory approach to private facilities, and conformance to WTO principles.

2) Broad streamlining of submarine cable landing license applications should be modeled, as closely as possible, on the highly successful, open entry procedures used for Section 214 applicants.

3) New submarine cable capacity should be deemed presumptively pro-competitive and be approved on a streamlined basis as follows:
   a) All licensees, subject to the "no special concessions" requirement for dealings with foreign carriers possessing market power.
   b) Applicants without market power, streamlined as filed.
   c) Applicants with market power in a WTO Member country destination market (directly or via affiliation), streamlined with minimum reporting requirements.
      i) Reporting requirements (similar to those required by Sections 63.10(c)(4) & (5) and 63.21(h)) would allow monitoring of compliance with "no special concessions" requirement.
      ii) The FCC should avoid foreign-end market access requirements in WTO countries.
   d) Applicants with market power for service to non-WTO countries, subject to effective competitive opportunities (ECO) test.

4) FCC can remove applications from streamlining only where there is evidence of extraordinary competitive concerns in accordance with WTO Reference Paper obligations.

5) Streamlining rules should use only terms and concepts present in existing regulations. New definitions and terms should be avoided.